

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 4, 20, 28, 31 and 39 have been amended. Claims 1, 3-20, 22-28, 30-39 and 41 are pending.

Examiner Strange indicated that the arguments in the April 4, 2005 Reply fail to comply with 37 CFR 1.111(b). Applicants disagree.

As noted in the above-mentioned Reply, the undersigned conducted an interview with Examiner's Choudhary and Dinh. In the interview, Examiner Choudhary suggested that in order to distinguish from Phaal, the claims should be amended to make it clear that the generated HTML page originates with respect to the application session associated with the first party, since in Phaal, the countdown mechanism (which the Examiner interpreted as an interrupt) originates with the second party, not the client (first party). Although discussion was had with regard to the "first party" of claim 1, Examiner Choudhary made it clear that such amendment with regard to the origination of the HTML page would distinguish each of the independent claims from Phaal.

Applicants amended the claims in the previous response, in the manner suggested by the Examiner Choudhary during the interview, and expected a Notice of Allowance from Examiner Choudhary, but instead received an Office Action from Examiner Strange (newly assigned to this application). Since the Examiner maintains the rejection of the claims as being anticipated by Phaal, Applicants again address the rejection below.

Claims 1 and 3-11 stand rejected under 35 U.S.C. 112, second paragraph. Claim 1 has been amended to provide antecedent basis with regard to the application server and the first party. It is submitted that all claims are in full compliance with 35 U.S.C. 112. Therefore, the rejection should be withdrawn.

Claims 1, 3-7, 9, 12-14, 17-20, 22-24, 28, 30-34, 36, 39, and 41 stand rejected under 35 U.S.C. 102(e) as being anticipated by Phaal. This rejection is respectfully traversed.

The Examiner contends that Phaal teaches:

Based on the determined availability of the second party, generating a HTML page (special web page as part of the deferred message), originating in the application server serving the first party (deferral message originates from the server serving the first party Col 4, lines 52-64) having instructions (countdown mechanism for a browser to notify (resubmit request) the second party of a new application session for the second party so as to present the message to the second party (col. 4, lines 50-58, col. 7 lines 30-44, Note that the deferring message consists of a HTML page sent to client for counting down to resubmit the message.

Phaal discloses a server and a client. Admission control software operates on the server that formats a special web page that is downloaded to the client as part of a deferral message. The web page provides a countdown function that is visible to the client's user, which indicates time until re-submission to the server based on priority.

Claims 1 and 28, as amended, initiate a first application instance for establishment of an application session between an application server and a first party. An HTML page, originating in the first application instance is generated having instructions for a browser to notify a second party of a new application session for the second party so as to present a message having been established in the application session between the application server and the first party.

Applicants are not clear as to how the Examiner is interpreting Phaal to define the claimed first party, second party, and application server. It is clear that the Examiner defines the claimed first party as the client in Phaal. The Examiner states that the claimed second party is the "web site server". However, it is not clear if the Examiner considers the claimed application server to be the "web site server" and is thus the same as the claimed second party. Applicants request that in the Examiner, in his next correspondence, clearly identify in Phaal 1) the first application instance between the first party and an application server, 2) the first party, 3) the application server and 4) the second party.

In Phaal, the countdown function (which the Examiner has interpreted as an interrupt) does not, as claimed, originate in an application instance between an application server and a first party, wherein the first application instance is the same

application instance that establishes the application session in which the message to the second party is established. Phaal simply does not teach originating a HTML page in a first application instance between an application server and a first party requesting interruption of a present application session of a second party to create a new application session for the second party to present a message (established in the first application instance) to the second party. Thus, the rejections of claims 1 and 28 should be withdrawn.

Claim 12 recites generating an HTML page, originating in the first application instance, having instructions for a persistent browser instance, having received the HTML page, to interrupt a present application session of the second party and initiate a new application session for the second party. Phaal simply does not teach originating a HTML page in a first non-persistent application instance serving a first party having instructions for a persistent browser instance to interrupt a present application session of the second party, with a second non-persistent application instance serving a the second party. At column 7, lines 30-45, Phaal merely teaches that if the server associated with the client is busy, after a countdown in time, the client's browser automatically contacts the server again. This resubmission to the server is not a teaching of interrupting a present application session of the second party and initiating a new application session for a second party. In fact, Phaal teaches at column 7, line 42, that upon expiration of the countdown, the browser is directed to the same URL which resulted in the deferral. Therefore, the rejection is improper and should be withdrawn.

Claim 20, as amended, recites an application runtime environment configured for dynamically originating and generating in a first application instance between the application server and a first party, a hypertext markup language (HTML) document having instructions for a browser to notify a second party of a new application session for the second party. Claim 39 as amended is similar to claim 20 but recites means for dynamically originating and generating in a first application instance between the application server and a first party. As noted above, Phaal does not teach originating a HTML page in a first application instance between an application server and a first

party having instructions for a browser to notify a second party of a new application session.

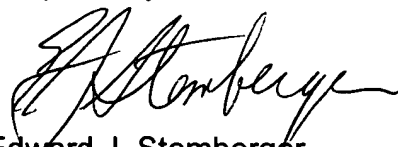
Thus, Phaal fails to teach each feature of the independent claims. Therefore, the rejection should be withdrawn.

Claims 8, 16 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Alles et al., claims 10, 15, 25 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Vaid et al, and Claims 11 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of Obhan et al. These claims are dependent claims and are considered to be allowable for the reasons advanced above with regard to the independent claims and for the additional reason that the added subject matter thereof is not taught nor suggested by the prior art of record.

For reasons advanced above, each independent claim and the claims that depend there-from are allowable over the prior art of record.

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



Edward J. Stemberger
Registration No. 36,017
Phone: 202.261.1014
Fax: 202.887.0336

Customer No.: 23164